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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH , NC 27627

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OFFICE OF PETITIONS

In re Application of :
Don Witmer, et al :
Application No. 09/840,742 : DECISION GRANTING PETITION
Filed: May 25, 2001 :
Attorney Docket No. 9204-13 :

This is a decision on the petition filed July 27, 2001, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of April 23, 2001, rather than the presently accorded filing date of April 25, 2001.

Petitioner alleges that the application was retrieved and accepted by the Express Mail pick-up service on April 23, 2001. In support, the petition is accompanied by a copy of the "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing a receipt number of EL733093865US (the same Express Mail number found on the original application papers located in the file) showing a "date in" of April 23, 2001.

In view of the above, the petition is granted. A corrected filing receipt is enclosed showing the filing date for the application as April 23, 2001. The petition fee of \$130.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 23, 2001.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703)305-0010

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt